

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
MECHANICAL BOARD**

1511 Pontiac Avenue, Bldg 70, 2nd Floor Conference Room

Cranston, RI 02920

Wednesday, November 6, 2013

9:00am

In attendance: Dennis Brennan

Timothy Byrne

Stanley Davies, Chair

Steven Gray

Bobby Joe Harris

Michael Januario

Jack King

Quinlan T. Regan

Charles Wright

Robert Eva and Fred Foeri were not in attendance.

**Also in attendance were Nick Ranone, Chief Mechanical Investigator;
Mary Ellen McQueeney-Lally, Legal Counsel; and John Shaw,
Administrator**

- 1. – Call to Order: Stanley Davies called the meeting to order at 9:02am.**
- 2. – Minutes of October 2, 2013 meeting: Motion was made by Charles Wright to accept the minutes of the previous meeting of October 2, 2013 as presented, seconded by Bobby Joe Harris and passed unanimously by the Board.**
- 3. – Conflict of Interest – Legal Counsel will address the Board concerning compliance with conflict of interest requirements: Mary Ellen McQueeney-Lally, Legal Counsel, addressed the Board reminding board members that if a member has a conflict with anything coming before the board, they need recuse themselves from hearing the matter and voting on the matter. Legal Counsel is available for any questions.**
- 4. – HEARINGS:**
Power Technology Inc HVAC – Violation #4632: Power Technology Inc HVAC was not present. The Board proceeded with the hearings for the individuals that were present and returned to Power Technology Inc HVAC to allow the respondent time to appear. Respondent does not appear. There is discussion. This matter was on the September agenda. Notice of the November 6, 2013 hearing

was sent to the respondent in a letter dated September 4, 2013. The hearing proceeds. Nick Ranone reads the violation.

DATE WRITTEN: 6/11/2013; VIOLATION #: 4632

NAME OF VIOLATOR: Power Technology Inc. HVAC, PO Box 782, Wilkes Barre, PA 18703

LOCATION OF VIOLATION: Radio Shack, Eagle Sq., Providence, RI 02909

INVESTIGATOR: Robert J. Gaj

VIOLATION: On 5-13-2013 Power Technology did have one of their employees, David W. Morrison, engaging in the repair of a packaged roof top HVAC unit at the above mentioned location. Mr. Morrison does not hold any license to do this type of work in the State of RI. This is one (1) violation of RIGL 28-27-28 Practices for which a license is required.

Also, Power Technology is not a licensed contractor with the State of RI. This is one (1) violation of RIGL 28-27-5 Practices for which a master or contractor license required.

Two (2) violations at \$500.00 each. Total \$1000.00.

Mary Ellen McQueeney-Lally, Legal Counsel, addressed the Board and Mr. Ranone inquiring if Mr. Morrison was notified of a hearing. Mr. Ranone states that he did not believe Mr. Morrison received a violation. As Mr. Morrison has not been noticed and it appears that

the wrong RIGL was cited pertaining to Power Technology Inc as the RIGL cited pertains to an individual not having a license and the company is being cited, Legal Counsel recommends tabling the matter to the next meeting, resending notice to both Mr. Morrison and Power Technology Inc.

Having heard from Legal Counsel, Charles Wright made a motion to table the violation until it is properly handled; seconded by Tim Byrne and passed unanimously by the Board.

Capstone Mechanical LLC – Violation #4647: Jim McKenna, CFO of Capstone LLC; Athan Paphas Bunupatam; Nick Ranone, RIDLT Chief Mechanical Investigator; Robert Gaj, RIDLT Chief Licensing Examiner are sworn in for testimony. Nick Ranone reads the violation into the record.

DATE WRITTEN: 7/15/2013; VIOLATION #: 4647

NAME OF VIOLATOR: Capstone Mechanical LLC, PO Box 89, Portsmouth, NH 03802

LOCATION OF VIOLATION: Dollar Tree, 1400 Oaklawn Ave., Cranston, RI 02920

VIOLATION: On 6-27-2013 Capstone Mechanical LLC did have one (1) of their employees, Athan P. Bunupatam, working on a reach-in cooler at the above mentioned location. Mr. Bunupatam is not licensed to do this type of work in the State of RI. This is one (1)

violation of RIGL 28-27-5.1 Practices for which a journey person or apprentice license required.

INVESTIGATOR: Robert J. Gaj

Robert Gaj provides testimony. Board members question Mr. Ranone and Mr. Gaj.

Jim McKenna, CFO and member of Capstone Mechanical LLC, provides testimony and is questioned by the Board.

There is discussion.

Tim Byrne made a motion that based upon the testimony presented today, Capstone Mechanical LLC, at the time of the violation, was not properly registered or licensed and there were no licensing numbers on the trucks; that the violation of RIGL 28-27-5.1 was improperly registered and that the matter be tabled until the proper licensing law is stated on the violation and sent to the company. The motion is seconded by Bobby Joe Harris. There is discussion. Mr. McKenna addressed the Board. After discussion, all were in favor. The matter is tabled until the proper licensing law is reflected in the violation.

Athan Paphas Bunupatam – Violation #4646: Parties were previously sworn. Nick Ranone reads the violation into the record.

DATE WRITTEN: 7/15/2013; VIOLATION #: 4646

NAME OF VIOLATOR: Athan Paphas Bunupatam, 15 Stillman St, Framingham, MA 01702-7136

LOCATION OF VIOLATION: Dollar Tree 1400 Oaklawn Ave. Cranston, RI 02920

VIOLATION: On 6-27-2013, Athan P. Bunupatam was witnessed working on a reach-in cooler at the above mentioned location. Mr. Bunupatam is not licensed to do this type of work in the State of RI. This is one (1) violation of RIGL 28-27-5.1 Practices for which a journey person or apprentice license required.

INVESTIGATOR: Robert J. Gaj

Robert Gaj provides testimony and is questioned by the Board. Nick Ranone is also questioned.

Athan Paphas Bunupatam provides testimony and is questioned by the Board.

Testimony from Mr. Gaj and Mr. Bunupatam continued.

Regarding Violation 4646 Charles Wright made a motion that a violation did occur; seconded by Tim Byrne and passed unanimously by the Board.

Regarding the penalty associated with Violation 4646, Charles Wright made motion that the recommended penalty of \$500.00 per RIGL 28-27-24 be upheld; Michael Januario seconded the motion and passed unanimously by the Board.

The recommendation will be forwarded to the Director's office.

****Motion to recess was made by Charles Wright until Investigator, Nick Ranone, returns; seconded by Michael Januario and passed unanimously by the Board. The meeting recessed from 9:37am to 9:39am. The hearing resumed.**

Atlantic Refrigeration of Hudson, Inc. – Violation #4683: Michael Maguire, Joseph Busa and Michael Livingstone, all from Atlantic Refrigeration of Hudson, are sworn in for testimony. Nicholas Ranone was previously sworn in for testimony. Mr. Ranone reads the violation into the record.

DATE WRITTEN: 8/28/2013; VIOLATION #: 4683

NAME OF VIOLATOR: Atlantic Refrigeration of Hudson, 9 Bonazzoli Ave, Unit 25, Hudson, MA 01749-2849

LOCATION OF VIOLATION: Outback Steakhouse 1000 Division St E. Greenwich, RI 02818-2078

VIOLATION: On 8-16-2013, I, Nicholas Ranone witnessed two (2)

employees of Atlantic Refrigeration of Hudson, Inc., Michael W. Livingstone and Joseph D. Busa, rigging a packaged rooftop HVAC unit onto the roof of the above mentioned location. Mr. Livingstone and Mr. Busa are not a licensed to do this type of work in the State of RI.

This is two (2) violations of RIGL 28-27-5.1 Practices for which a journeyperson or apprentice license required.

Also, no permit was issued from the Town of East Greenwich this is one (1) violation of RIGL 28-27-20 State and municipal inspections and installation permits.

Three (3) violations at \$500.00 each; total \$1,500.00.

Mary Ellen McQueeney-Lally, Legal Counsel addressed the board regarding the citing of an incorrect statute and recommends the matter be tabled and the violation be re-noticed and heard at the next meeting. There is discussion.

Tim Byrne made a motion to be table the violation and have the investigator relook at it and write it up properly with the proper licensing law violations; seconded by Charles Wright and passed unanimously by the Board.

Joseph D. Busa – Violation # 4682: Parties were previously sworn in for testimony. Nicholas Ranone reads the violation into the record.

DATE WRITTEN: 8/28/2013; VIOLATION #: 4682

NAME OF VIOLATOR: Joseph D. Busa, 65 Brigham St, Marlborough, MA 01752

LOCATION OF VIOLATION: Outback Steakhouse 1000 Division St E. Greenwich, RI 02818-2078

VIOLATION: On 8-16-2013, Joseph D. Busa, an employee of Atlantic Refrigeration of Hudson, Inc., was witnessed rigging a packaged rooftop HVAC unit onto the roof of the above mentioned location. Mr. Busa is not licensed to do this type of work in the State of RI.

This is one (1) violation of RIGL 28-27-5.1 Practices for which a journeyman or apprentice license required.

The Board questions Mr. Ranone.

Joseph Busa provides testimony and is questioned by the Board.

Tim Byrne made a motion pertaining to Violation 4682, a violation of RIGL 28-27-5.1 Practices for which a journeyman or apprentice license required; that a violation did in fact occur; seconded by Charles Wright. There being no opposition, the motion passed.

Tim Byrne made a motion that the fine of \$500.00 be upheld;

seconded by Michael Januario. There being no opposition the motion passed.

The recommendation will be forwarded to the Director's office.

Michael W. Livingstone – Violation #4681: Parties were previously sworn in for testimony. Nicholas Ranone reads the violation into the record.

DATE WRITTEN: 8/28/2013; VIOLATION #: 4681

NAME OF VIOLATOR: Michael W. Livingstone, 169 Putnam Hill Rd, Sutton, MA 01590

LOCATION OF VIOLATION: Outback Steakhouse 1000 Division St E. Greenwich, RI 02818-2078

VIOLATION: On 8-16-2013, Michael W. Livingstone, an employee of Atlantic Refrigeration of Hudson, Inc., was witnessed rigging a packaged rooftop HVAC unit onto the roof of the above mentioned location. Mr. Livingstone was working with an expired Refrigeration Journeyman 1 license (6-30-2011). Therefore, Mr. Livingstone is not licensed to do this type of work in the State of RI.

This is one (1) violation of RIGL 28-27-5.1 Practices for which a journeyperson or apprentice license required.

Nicholas Ranone is questioned by the Board.

Michael Livingstone provides testimony and is questioned by the Board.

Regarding Violation 4681 under RIGL 28-57-5.1, Charles Wright made a motion that a violation has occurred; seconded by Tim Byrne. The motion passed with no opposition.

Regarding the penalty associated with Violation 4681, Charles Wright made motion that the recommended penalty of \$500.00 per RIGL 28-27-24 be upheld; Tim Byrne seconded the motion. The motion passed without opposition.

The recommendation will be forwarded to the Director's office.

End of hearings.

5. – Nicholas Ranone – Can unlicensed sheet metal workers install stainless steel exhaust hoods over commercial stoves (just the hoods, not any connecting ductwork): Nick Ranone addressed the Board asking if a sheet metal license is needed to just install an exhaust hood (no connecting ductwork). Mr. Ranone states it is unclear whether a license is needed in the law. Charles Wright addressed the Board with a history, to his knowledge, of licensing of

sheet metal workers in RI. There is discussion. Mr. Ranone is looking for guidance for future situations. Quinlan T. Regan asks what the law states. Mr. Wright states that the law states they have to be licensed. Discussion continues. Mr. Ranone is advised to follow the law.

6. – Suggested Revisions to RIGL 28-27: Charles Wright addressed the board to review RIGL 28-27 and if there are any recommendations for changes to RIGL 28-27 to bring suggestions to the Board.

Mr. Wright suggests adding that a copy of the current code for the trade that they are working under be available on the vehicle on the job.

7. – Discussion of possible meeting day/time change for 2014: Nick Ranone addressed the Board that Assistant Director, Joseph Degnan, would like to attend the meetings but has difficulty attending as the day/time conflict with other meetings and is asking the Board to consider changing the day/time. By a show of hands, six (6) board members were in favor of keeping the day/time of the meeting as it is. Three (3) members did not vote.

8. – ELECTION OF OFFICERS: Bobby Joe Harris nominates Stan

Davies as Chairman; seconded by Jack King. All were in favor. There were no other nominations. Stan Davies remains Chair.

**** Dennis Brennan addressed the Board regarding appointments to the Board and where should paperwork be sent. There is discussion of Board appointments. Tim Byrne made a motion that the Board sends a letter to the Governor asking for clarification on the term of existing members and filling of any vacancies. The motion was seconded by Charles Wright and passed unanimously by the Board. It was recommended the request be forwarded through John Shaw, Administrator. Discussion continued.**

9. – ADJOURNMENT: A motion to adjourn was made by Charles Wright; seconded by Quinlan T. Regan and passed unanimously by the Board. The meeting adjourned at 10:24am.